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SUBJECT: RUSSIAN RESPONSE TO U.S. DRAFT START TREATY

REF: MOSCOW 3153

Classified By: Pol MinCouns Alice Wells, reasons 1.4(a), (b) and (d)

¶1. (S) In the course of U.S. and Russian security discussions in Moscow December 15 (septel), DFM Ryabkov handed Acting U/S Rood a seven-page non-paper in Russian with a summary of Moscow's response, which the U.S. could consider as "an authoritative reply" to the U.S. draft text provided on October 24, 2008 (reftel).

¶2. (S) Begin text of Russian non-paper:  
On the Draft "Treaty between the Russian Federation and the United States of America on Transparency and Confidence Building Measures Regarding Strategic Offensive Nuclear Reductions," Proposed by the U.S. Side (Aide-Memoire)

The Russian side has reviewed the above-mentioned U.S. draft and would like to make the following points both regarding the substance of this document and, in general, regarding the approach to working out the new legally binding post-START arrangement provided for in the Russia-U.S. Strategic Framework Declaration, adopted by the presidents of our countries in Sochi on April 6, 2008.

First. The U.S. side again proposes - as it has during the consultations since 2005 - that the conceptual framework for the new arrangement be based on the premise that its subject will be "operationally deployed strategic nuclear warheads." In this context, it provides for establishing a limitation of 1700-2200 on the aggregate number of these warheads by December 31, 2012, and for 10 years following the date of entry into force of the arrangement. At the same time, it proposes extending the Moscow Treaty on Strategic Offensive Reductions for the same 10-year period from the date of entry into force of the arrangement, even though the treaty establishes the same ceiling.

In our view, this concept of the future arrangement is not consistent with the letter and spirit of the START Treaty and, accordingly, an actual arrangement based on this concept cannot be regarded as a replacement for the START Treaty.

The Moscow Treaty was an additional important step, as stated in the Sochi Declaration, and Article II of the treaty specifically stipulates the use of the START Treaty provisions, which are the basis for ensuring confidence, openness, and predictability concerning strategic nuclear forces. After expiration of the START Treaty on December 5, 2009, Article II of the Moscow Treaty will also terminate. In this connection, the following question arises: what is the purpose of proposing a 10-year extension of the Moscow Treaty, whose substance will be significantly narrowed, and how will such an arrangement meet the objective, established in the Sochi Declaration, of reducing strategic offensive

arms to the lowest possible level? The statement of intention to carry out reductions of strategic nuclear warheads, contained in Article I, paragraph 2, of the draft, does not remedy the situation since it is not an obligation.

Second. As we understand it, the U.S. side's proposal to restrict the subject of the future arrangement to "operationally deployed strategic nuclear warheads" means, in effect, forgoing verification of strategic offensive arms. The fact that the draft does not contain an agreed procedure for attributing warheads to each deployed strategic delivery vehicle - intercontinental ballistic missile (ICBM), submarine-launched ballistic missile (SLBM), and heavy bomber (HB) - does not make it possible to judge the actual status of each Party's strategic offensive arms or to monitor their development. And providing notifications every six months containing data on the aggregate number of operationally deployed strategic nuclear warheads, in accordance with Section I, paragraph 2, of the Protocol on Transparency and Confidence Building Measures relating to the proposed Treaty, does not change the essence of the matter.

The difference between the subject of the new treaty (only operationally deployed strategic nuclear warheads) and the arms subject to "transparency measures" under the protocol, which include strategic delivery vehicles, is a basic contradiction, which disrupts the structural and logical interrelationship between its elements.

Third. As you know, the Russian side believes the future arrangement needs to be based on the fundamental provisions

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of the START Treaty. In our view, the subject of the arrangement must, accordingly, be all ICBMs, SLBMs and heavy bombers and the warheads on them.

In concluding the START Treaty, the Parties proceeded from the understanding that they cannot verify the actual equipment of a missile of the other Party after it is launched, i.e., whether it carries nuclear or conventional, non-nuclear reentry vehicles ("nuclear ambiguity") (Note: Translator's Note: the words "nuclear ambiguity" are in English in the Russian text. End Translator's note.) In this connection, each ICBM and SLBM must be attributed with the maximum number of reentry vehicles with which such missile has been tested (exceptions to this are specifically stipulated), and all these reentry vehicles can be nuclear. As for heavy bombers, special, verifiable procedures for converting them for non-nuclear armaments are provided for. The system for verifying compliance with the START Treaty, which ensures transparency and confidence in the relations between our two countries on strategic issues, is built on these principles.

We took note of the remarks by U.S. Acting Under Secretary of State Rood to the Senate Foreign Relations Committee on May 21, 2008. In describing the Russian side's approaches to concluding a post-START agreement, he asserted that despite the U.S. side's desire to limit only strategic nuclear warheads, we are supposedly seeking "...a treaty with a broader scope, something which would also cover conventional armaments and conventional delivery systems and things of that nature."

In connection with the foregoing, we believe that the U.S. side must determine its position regarding the status of ICBMs, SLBMs, and heavy bombers. Does its desire to remove strategic delivery vehicles from coverage under the future arrangement mean that now, departing from the agreed approaches in the START Treaty, the U.S. considers these delivery vehicles to be "conventional arms"? In that case we do not understand why the draft protocol to the proposed treaty provides for obligations to exchange data on types of strategic delivery vehicles, to conduct exhibitions of new types of strategic delivery vehicles and even of launchers of mobile ICBMs, to provide a list of facilities, i.e. ICBM,

SLBM, and heavy bomber bases, as well as telemetric information obtained during flight tests of ICBMs and SLBMs, etc.

It seems to us that strategic delivery vehicles are an integral component of the strategic arsenals of our two countries, no matter what they are called - "strategic offensive arms" (SOAs) or "strategic offensive potentials" (SOPs) (Translator's note: in Russian the term for "strategic offensive reductions" is, literally, "reductions of strategic offensive potentials." End Translator's note.) Thus, in any event strategic delivery vehicles must remain the subject of the new Russian-U.S. arrangement on strategic offensive arms.

Fourth. Starting with the title of the proposed treaty, the U.S. side consistently lays out the conceptual framework for this document in such a way as to remove from coverage under the future arrangement ICBMs, SLBMs, and heavy bombers equipped with conventional (Russian: "obychnymi") ("conventional" (Russian: "konventsional'nyymi")) warheads, as well as ICBMs or SLBMs used as targets or interceptor-missiles or for delivering objects into the upper atmosphere or space.

The Russian side continues to believe that this U.S. position could have an extremely destabilizing effect on strategic stability and on cooperation between Russia and the U.S. on strategic issues. One cannot fail to see that if such an approach is implemented, this creates the possibility for developing a so-called "reconstitution potential." In practical terms, all this would lessen the value of the future arrangement.

In this context, it looks like it is no accident that the proposed draft treaty does not contain any provisions on elimination of strategic offensive arms, which, in our view, is an integral part of the process of reducing such arms.

Fifth. The Russian side also adheres to such a very important provision of the START Treaty as the Parties' obligation to base all types of SOAs only within their national territory and at facilities intended for these arms (conditions for temporary stationing of heavy bombers can be

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agreed upon).

The presence of obligations prohibiting the basing of SOAs outside national territory is, in the Russian side's view, a fundamental element of the new agreement. In this connection, we would ask the U.S. side to provide clarification of its views on this issue.

Of course, in this Aide-Memoire the Russian side cannot address all the issues arising from analysis of the text of the draft treaty (specifically, as regards terms and definitions, etc.)

In general, we believe it is necessary to emphasize that the U.S.-proposed draft treaty is not consistent with the objectives stated in its preamble. It does not take into account the Parties' obligations under the Treaty on the Non-proliferation of Nuclear Weapons (above all, we are referring to Article VI). In essence, the fundamental provisions of the current START Treaty are ignored.

In our view, the U.S.-proposed draft of the new post-START agreement is not consistent with the nature of the relations between Russia and the U.S., recorded in the Sochi Declaration. On the contrary, such a document could deprive our bilateral relations of a most important element - predictability in the area of strategic arms control.

In addition, we believe that the U.S.-proposed draft treaty would send an unacceptable signal to the world community in terms of advancing the ideas of non-proliferation and

disarmament. It would be viewed as a departure from strategic offensive arms control and further consistent progress toward nuclear missile disarmament.

We express our readiness to continue our dialogue in order to reach a mutually acceptable, full-scale post-START arrangement.

Moscow, December 15, 2008

End text of Russian non-paper.  
RUBIN